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February 17, 2012

Regular mail and e-mail
kschwam@doi.nyc.gov

Mr. Keith Schwam
Assistant Commissioner
New York City Department of Investigation
80 Maiden Lane
New York, New York 10038

Re: City Marshal George Airday

Dear Assistant Commissioner Schwam:

This letter is in response to your most recent letter dated February 17, 2012 concerning City Marshal George Airday ("Airday").

As you are aware, no written disciplinary charges have yet to be filed against Airday, meaning that he has had no opportunity to be heard at a full and complete hearing as required under section 1610 of the New York City Civil Court Act. Pursuant to that statute, because written disciplinary charges have not yet been filed and no hearing scheduled, Airday has not been suspended. Accordingly, we see no current legal prohibition from Airday performing any work of a City Marshal that he is able to obtain.

In addition, as you are also aware, Airday is the defendant in a criminal case. That criminal case takes precedence over the administrative proceeding. Therefore, until resolution of that criminal matter, absent the Department of Investigation affording Airday his rights to a full and fair hearing as required under the law, Airday will not be able to provide the documents that have been requested by the Department of Investigation in the letter to him dated January 31, 2012.

Sincerely,

Stuart London

cc George Airday



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